IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 821 OF 2006.

Ahmed Adam. ... Appellant.

Versus.

Municipal Corporation of
Greater Mumbai. ... Respondent.

Ms.Geeta Shastri i/by M/s.Khilnani & Co. for the Appellant.

Shri J.J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 5th May, 2006.

P.C.:

1. Order of dismissal for default passed yesterday is set aside on the oral prayer made by the learned Advocate for the Appellant. The Advocate for the Appellant states that the Appellant desires to unconditionally withdraw the Appeal. However, the Appellant may be granted sufficient time to apply for regularisation. In view of the above, the following order is passed:

2. The Appeal is allowed to be withdrawn and is dismissed as withdrawn.

3. If an application is made by the Appellant within a period of 8 weeks from today to the concerned authority of the Respondent-Corporation for regularisation of the suit structure, the same shall be decided by the concerned authority within eight weeks from the date of receipt of the application.

4. The Respondent-Corporation will communicate the order passed on the said application within a period of one week from the date passing of the order. The communication will be made at the address of the Appellant mentioned in the cause title of the Appeal. If the application for regularisation is made within a period of eight weeks from today, for a period of 24 weeks from today the Respondent-Corporation will not take any action of demolition in respect of the suit structure. However, if the application is not made within the stipulated time of 8 weeks, the Respondent-Corporation is free to proceed with the action of demolition.

Judge.